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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,353	09/26/2006	Laurent De Volder	BVC-112	4654
20028	7590	06/10/2010	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@patlawfirm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,353	<b>Applicant(s)</b> DE VOLDER, LAURENT	
	<b>Examiner</b> LEO T. HINZE	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-50 is/are pending in the application.
- 4a) Of the above claim(s) 26, 27, 29-35, 37, 38, 40-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25, 28, 36 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 49 and 50 are directed to inventions that are independent or distinct from the invention originally claimed for the following reasons: The inventions added by amendment in claims 49 and 50 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the inventions listed each fail to contain a special technical feature that defines over the prior art, as evidenced by the "X" reference identified in the International Search Report for parent case PCT/BE2005/00042, and as set forth in the Requirement for Restriction mailed 30 December 2008.

Applicant has received an action on the merits for the elected invention. Accordingly, claims 49 and 50 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Response to Arguments***

2. Applicant's arguments filed 18 February 2010 have been fully considered but they are not persuasive.

a. Applicant argues on p. 9 that De Volder teaches printing on objects which may "vary slightly in size," while the claimed invention is directed to printing on products with "significant variations" between them, and therefore, that De Volder cannot anticipate the claimed invention. The examiner disagrees. The difference between something

that “varies slightly in size” and that has “significant variations” does not appear to be patentably distinct. That is, without some way of quantitatively defining the “significant variations” of the claimed invention, one would be unable to distinguish with certainty that the slight variations in size disclosed by De Volder are not equivalent to “significant variations.”

b. Applicant argues on pp. 9-10 that the stiffness of the pad of De Volder is different from that of the claimed invention. This argument appears to be of no moment, as the stiffness of the printing pad is not positively claimed.

c. Applicant argues on pp. 9-10 that De Volder fails to teach an external guide. The examiner disagrees. Applicant characterizes elements 7, 10, and 8 (Fig. 9) of De Volder as being the pad. This interpretation of De Volder is incorrect. Clearly, element 8 of De Volder is the “pad,” that is, the element which picks up the ink from the cliché for printing on the object. To characterize the spring 10 of De Volder as also being part of the pad, instead of the guide, is incorrect.

Additionally, Applicant argues that spring 10 does not “guide” pad 8, but merely allows “rotation and deformation of the tampon tip 8, which implies displacement away from a guiding centerline.” The examiner is unaware that the definition of “guide” is limited only to guiding an object along a guiding centerline. For example, dictionary.com defines a guide as “a device that regulates or directs progressive motion or action,” which definition appears to encompass the structure and function of the spring disclosed by De Volder. As the claims make no recitation of a requirement that the pad is guided exclusively along a guiding centerline, Applicant’s argument is moot.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25, 28, 36, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by De Volder, WO 92/05960 (hereinafter De Volder).

a. Regarding claim 25, De Volder teaches a device for linear pad printing products with significant variations between them (12, Fig. 10; “objects which may also slightly vary in size and which have been put in their container in an irregular way,” p. 1, lines 27-28) by means of a linear pad (8, Fig. 9), said device comprising:

a cliché (“transferred from a printing block,” p. 1, lines 4-5),

at least one pad with a primary guide provided for a main movement of the pad (primary guide 14, Fig. 10) and which provides for a movement function (pad must be moved from position where it is inked on cliché to position where it prints on products, Fig. 10), and

at least one secondary guide as a buffer element for buffering differences in effective deposit depth between individual products to be printed (10, Fig. 9),

wherein said at least one secondary guide is arranged axially and externally with respect to said pad so as to act on the pad (10 arranged axially with 8, Fig. 9).

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b. Regarding claim 28, De Volder teaches the device according to claim 25, as discussed in the rejection of claim 25 above. De Volder also teaches wherein a piece holder for receiving the products to be printed (11, Fig. 10), wherein

said piece holder is provided with apertures provided therefore (piece holder 11 appears to have individual apertures for each individual product 12, Fig. 10),

the products to be printed can be taken up by the piece holder (placement of products 12 in product holder 11, Fig. 10),

the position and the orientation of the product relative to a printing unit can be brought in correspondence with the aperture which is necessary for printing the image through the aperture at the appropriate position on the product (it appears that images are printing on the objects 12, and the products appear to have been brought in correspondence with the aperture of holder 11 which is necessary for printing the image at the appropriate position on the product, Fig. 10) .

c. Regarding claim 36, De Volder teaches a method for linear pad printing products (12, Fig. 10) with significant variations between them ("objects which may also slightly vary in size and which have been put in their container in an irregular way," p. 1, lines 27-28) by means of a pad (8, Fig. 9), comprising:

applying printing material is applied on a cliché ("transferred from a printing block," p. 1, lines 4-5) according to a determined pattern,

bringing a pad and a cliché into a mutual contact position from a rest position by means of a primary guide (primary guide 14, Fig. 10; "transferred from a printing block," p. 1, lines 4-5),

wherein the printing material is taken up by the pad of the cliché (in order for the pad to print on the object, ink is taken up from the cliché by the pad), and

when taking up said printing material, at least one additional secondary guide arranged external to the pad buffers the contact between the pad and the cliché (secondary guide 10, Fig. 9),

after the taking up of said printing material the pad is moved in a deposit position (as the cliché and object to be printed each must occupy their own space, the pad must be moved in order to receive ink from a cliché and then deposit it on the object),

an image corresponding to said printing material taken up by the pad is deposited on the product to be printed ("text or such is transferred from a printing block onto an object," p. 1, lines 4-5),

said at least one secondary guide axially buffers contact between the pad and the products to be printed, accounting for differences in effective deposit depth between individual products to be printed ("the tampon, in particular the printing surface, is automatically positioned on the right place of the object," p. 2, lines 13-14; spring 10 allows pad 8 to conform to the object, Fig. 9), and

after the image is deposited, said pad is moved back to its rest position (pad 8 prints on objects 12, Fig. 10, and the moves away from object 12).

d. Regarding claim 39, De Volder teaches the method according to claim 36, as discussed in the rejection of claim 36 above. De Volder also teaches wherein said method is performed by a device comprising:

at least one pad (8, Fig. 9) with the primary guide provided for the main movement of the pad, which provides for a movement function (primary guide 14, Fig. 10),

said at least one secondary guide as buffer element for buffering the differences in the effective deposit depth between the individual products to be printed (secondary guide 10, Fig. 9), and

said at least one secondary guide which is arranged axially and externally with respect to said pad so as to act on the pad (10 arranged axially with 8, and externally to 8, Fig. 9).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze  
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AU 2854  
01 June 2010

/Judy Nguyen/  
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